

## **Minutes of Special and Regular Meeting of August 25, 2015**

### **SPECIAL MEETINGS**

#### **CALL TO ORDER 6:00 P.M.**

#### **CLOSED SESSION [Third Floor Conference Room]**

- (1) Conference With Labor Negotiators (Govt Code Section 54957.6)  
Agency designated representatives: Greg Scoles  
Employee organization: MMCEA and International Association of Firefighters (IAFF) Local 2400
- (2) Conference With Legal Counsel (Govt Code Section 54956.9(d)(1))  
Existing Litigation 1 case: Kim v. City of Belmont, San Mateo Superior Court No. CIV 534749

Councilmembers Present: Reed, Lieberman, Stone, Braunstein

Councilmembers Absent: Wright

#### **RECESS TO CITY COUNCIL CHAMBERS 6:30 P.M.**

### **STUDY SESSION**

#### **Inclusionary Affordable Housing Ordinance and Impact Fee Nexus Study**

Diana Elrod, Housing Consultant, described purpose of Nexus Study. She noted that 15 of 21 cities in San Mateo County are participating in the study, and the other six are considering joining. She provided a history of housing impact fees and noted that they can only be implemented if backed by a nexus study or similar analysis. She explained the methodology of the study and how the maximum fees are determined. She also explained that after the City of Belmont receives its specific data, the City Council will need to make its policy decision regarding the level of fees to be imposed.

City Attorney Rennie clarified that a nexus study is not required to enact inclusionary housing ordinances.

**Dennis Martin**, Building Industry Associates Bay Area, expressed concern regarding housing impact fees. He described impact fees in other cities and noted that high impact fees discourage the development of housing units. He pointed out the need for regional housing.

**Joshua Hugg**, San Mateo County Housing Leadership, expressed support for the nexus study process. He pointed out the regional housing needs and the need for very low and low income housing.

**Laura Peterhans**, Belmont resident/Peninsula Interfaith Action, noted that impact fees are a

necessary tool for the development of affordable housing. She described the need for housing for teachers.

**ACTION:** On a motion by Councilmember Reed, seconded by Councilmember Lieberman, and unanimously approved (4-0, Wright absent) to direct staff to bring back an Inclusionary Affordable Housing Ordinance and a Housing Impact Fee Ordinance for consideration.

**ADJOURNMENT** at this time, being 7:10 p.m.

Terri Cook  
City Clerk

**REGULAR MEETING**  
**CALL TO ORDER 7:15 p.m.**

**ROLL CALL**

Councilmembers Present: Reed, Lieberman, Stone, Braunstein  
Councilmembers Absent: Wright

**PLEDGE OF ALLEGIANCE**

Led by City Manager Scoles.

**REPORT FROM CLOSED SESSION**

No reportable actions.

**SPECIAL PRESENTATIONS**

**Proclamation Commemorating the 50th Anniversary of the 1965 Voting Rights Act**

Mayor Braunstein presented the proclamation and noted the importance of this legislation.

**Kathy Tyson**, President, San Mateo County Chapter League of Women Voters, noted that the Voting Right Act is an important part of history which had its inception in 1920 when women gained the right to vote.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

**Lenore Griffin**, Belmont Chamber of Commerce, welcomed a new business in Belmont, Jersey Mike's, and described upcoming events hosted by the Chamber of Commerce.

**Jennifer Lien**, Belmont resident, presented a petition in opposition to a proposed home to be built on Paddington Court (on file in City Clerk's office).

**COUNCILMEMBER ANNOUNCEMENTS**

Mayor Braunstein announced upcoming movies in the park. He pointed out that schools in Belmont have opened, and urged motorists to drive cautiously. He noted that the City of Belmont is hosting a

blood drive.

### **ITEMS APPROVED ON CONSENT CALENDAR**

Resolution 2015-083 approving an amended permanent encroachment agreement to allow a privately maintained driveway bridge, retaining wall, and guardrails within the public right-of-way at 2609 Monte Cresta Drive, APN 043-313-220

Minutes of Special and Regular Meeting of July 14, 2015, Special Meeting of July 23, 2015 (Closed Session), and Special Meeting of August 3, 2015

Resolution 2015-084 stating the City's intention to issue tax-exempt sewer revenue bonds for purposes of allowing the City to reimburse itself for advanced Project costs from the proceeds of the Bonds

Resolution 2015-085 authorizing the City Manager to execute a service agreement with HDR Engineering, Inc. for an amount not to exceed \$19,185 and authorizing a contingency of \$2,000

Resolution 2015-086 authorizing the acquisition of five budgeted vehicles and associated equipment for a total amount not to exceed \$517,000

Motion to Receive Monthly Financial Reports

**ACTION:** on a motion by Councilmember Stone, seconded by Councilmember Reed, the Consent Agenda was unanimously approved, as amended (4-0, Wright absent).

### **ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

#### **Ordinance Repealing 2015-1086 and Ordinance Repealing 2015-1087**

**Robert Miller**, Belmont resident, expressed support for the repeal.

**Alan Marx**, Belmont resident, expressed concern regarding the repeal of the tree ordinance. He noted his support for tree preservation. Councilmember Lieberman clarified that the previous tree ordinance is still in place.

**Gordon Seely**, Belmont resident, pointed out that the City Council is prohibited by law from enacting a similar ordinance to the one it repealed.

**ACTION:** On a motion by Councilmember Lieberman, seconded by Councilmember Stone, and unanimously approved (4-0, Wright absent) to adopt Ordinance 2015-1088 Repealing Ordinance 2015-1086 and Ordinance 2015-1089 Repealing Ordinance 2015-1087

#### **Resolution approving placement of "No U-Turn" signs on Buena Vista Avenue between Palmer and Monserat Avenues from 8:00AM to 4:00PM, Monday through Friday**

Councilmember Stone acknowledged staff for bringing forward this item to provide additional safety surrounding Cipriani School.

**Robert Giedt**, Belmont resident, stated that he received notification of the new regulation less than a week prior. He does not support U-turn prohibition as he has not observed an issue. He questioned

how the regulation would be enforced.

Public Works Director Oskoui explained the genesis of this proposal.

### **Motion to approve response to the Grand Jury Report "Flooding Ahead: Planning for Sea Level Rise"**

**Brian Schmidt**, Belmont resident, expressed support for Belmont's proposed response to the Grand Jury Report.

**ACTION**: On a motion by Councilmember Lieberman, seconded by Councilmember Stone, Resolution 2015-087 approving placement of "No U-Turn" signs on Buena Vista Avenue between Palmer and Monserat Avenues from 8:00AM to 4:00PM, Monday through Friday, and the response to the Grand Jury Report "Flooding Ahead: Planning for Sea Level Rise" were unanimously approved (4-0, Wright absent).

### **OTHER BUSINESS (Items taken out of order from agenda)**

**Public outreach process for the Belmont Zoning and Tree Ordinance Amendments Project**  
Senior Planner DiDonato outlined the City Council's recent rescission of ordinances and its desire for additional public outreach regarding the ordinances. He outlined the proposed outreach plan. He noted that future review could be accomplished by category and in stages. He provided some background regarding the genesis of the ordinances that have subsequently been rescinded, and noted that the Council subcommittee's work began in March of 2014. He also described interface that staff has had over the years at the Permit Center with issues related to existing ordinances.

**Robert Miller**, Belmont resident, expressed support for changes to the zoning code. He expressed concern regarding how the public input will be managed.

**Jeffrey Selman**, Belmont resident, commented regarding the current overly-burdened regulations. He noted that regulations should provide benefits.

**Richard Smith**, Belmont resident, expressed support for the proposed public outreach program and for less government intrusion and regulation.

**Michael O'Neill**, Belmont resident, expressed support for the proposed program. He expressed concerns regarding any new proposed ordinance.

**Kristin Mercer**, Belmont resident, noted that residents desire to be involved in the process. She suggested that the problem be defined before solutions are proposed.

**Tran**, Belmont resident, noted that similar ordinances cannot be adopted for one year. She suggested fact-based solutions and the formation of a citizen advisory committee.

**Birgit Merian**, Belmont resident, commented regarding the process used in the now-repealed ordinances, and described a process that could be used for public outreach. She suggested studying each issue within the ordinance as a separate topic.

**Gary Feierbach**, Belmont resident, commented regarding the process that was used in the adoption of the previous ordinances.

**Steve Erickson**, Belmont resident, commented regarding the lack of public involvement in the previous process. He recommended the formation of a citizens advisory committee.

**Josh Portner**, Belmont resident, commented regarding the citizens advisory committee proposed by other speakers. He expressed support for the proposed outreach process.

**Ian Prickett**, Belmont resident, expressed support for public input. He expressed concerns regarding how the input would be incorporated into future ordinance changes. He noted that the new ordinances introduced in July are not substantially different from the ones that were rescinded.

**Tim Hoffman**, Belmont resident, expressed support for the public outreach process as a way to demonstrate that current regulations are flawed. He also expressed support for less intrusive regulations.

**Karen Shane**, Belmont resident, expressed support for the public outreach process.

Councilmember Stone expressed support for the most inclusive community engagement process such as what has been under way for the General Plan update as opposed to a question and answer format.

Councilmember Lieberman stated that the City Council values public input. He expressed support for the proposed outreach plan and schedule.

Discussion ensued regarding City Councilmembers' attendance at the public input meetings and whether or not the subcommittee should be disbanded.

Council concurred to leave the subcommittee in place at this time.

**ACTION**: On a motion by Councilmember Stone, seconded by Councilmember Reed, and unanimously approved (4-0, Wright absent) to approve the proposed public outreach process, to include a citywide mailer, postings on social media and the City's website, community engagement sessions, and hearings before the Planning and Parks and Recreation Commissions.

**RECESS: 8:45 P.M.**

**RECONVENE: 8:53 P.M.**

**Zoning Ordinance Amendments - Sections 23A (Signs on Public Property) and 6 (M-1-Limited Manufacturing Districts) (CEQA: Mitigated Negative Declaration)**

Community Development Director De Melo explained the proposed construction of a digital billboard on City-owned property along Highway 101, and outlined the zoning changes required to accommodate the new billboard. He noted that as part of the project, eight existing billboards would be removed.

**Birgit Merian**, Belmont resident, expressed support for an aesthetically pleasing pole similar to the one in San Carlos.

**Bruce Qualls**, Clear Channel, commented regarding the proposed height. He described details of the proposed pole.

**Mary Morrissey Parden**, Belmont Chamber of Commerce, commented regarding the design and suggested including something identifiable to Belmont.

City Attorney Rennie read the title of the proposed ordinance.

**ACTION:** On a motion by Councilmember Reed, seconded by Councilmember Lieberman, and unanimously approved (4-0, Wright absent) to introduce an ordinance Amending Belmont Zoning Ordinance (Ordinance No. 360) Section 23A Regulations Regarding Signs on Public Property and Section 6 to Conform to Previous Amendments to Section 23.

**Relocation and Lease Agreement - Clear Channel Outdoor (CCO) Digital Billboard on City property located at 1385 Shoreway Road (APN 040-371-130 & 140)**

Community Development Director de Melo noted that this is a companion item to zoning item that was just approved. He noted that staff is still working out certain details of the lease agreement, and recommended postponing action on this item to the September 8, 2015 meeting.

City Manager Scoles outlined details of the proposed lease agreement, including lease and sales revenues to be paid to the City during the life of the lease. He noted that the billboard would be available for City events, and explained that eight billboards will be removed as part of the agreement, which removes blight.

**ACTION:** On a motion by Councilmember Reed, seconded by Councilmember Stone, this matter was unanimously continued to September 8, 2015 (4-0, Wright absent).

**COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

**Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**

Councilmembers made reports on their intergovernmental assignments. Councilmember Reed commented regarding his attendance at the Police Department's Crisis Intervention Training.

**Verbal report from City Manager**

City Manager Scoles noted the upcoming blood drive and creek cleanup events. He pointed out that the street sweeping schedule had changed. He provided an update on the Notre Dame Avenue paving project. He made note of the recent National Night Out event.

**Designating Voting Delegate and Alternate for League of California Cities Annual Conference**

City Manager Scoles noted that both he and City Attorney Rennie would be attending the conference.

**ACTION:** On a motion by Councilmember Lieberman, seconded by Councilmember Stone, and unanimously approved (4-0, Wright absent) to appoint City Attorney Rennie as the delegate and City Manager Scoles as the alternate for the upcoming League of California Cities Annual Conference.

**ADJOURNMENT** at this time, being 9:40 p.m.

Terri Cook  
City Clerk

Meeting televised and videotaped.